



BCI Firearms Section Newsletter

May 2004

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Newsletter Information

The purpose of the BCI newsletter is to provide dealers with information regarding firearm transfers. Changes in laws, policies, and procedures will be included, as well as answers to questions we receive from dealers. It is important that you read this newsletter and brief your staff on its contents. The newsletter is available electronically via email and on the web at <http://www.bci.utah.gov/CFP/CFNewsletter.html>. To add your business to our email list, contact Becky Clayton at (801) 964-4540 or rclayton@utah.gov or contact Tess Kooring at (801) 964-4460 or tkooring@utah.gov.

New Policy

Beginning June 15, 2004 we will be implementing changes concerning immigration background checks. Regarding permanent residents, if we receive a response from ICE (Immigration and Customs Enforcement, formerly INS) indicating they were unable to find a match in their system, the check will be denied. Please keep in mind that we cannot tell you why your customers are denied. Previously the customer would have been placed in research, but this has become very cumbersome and ineffective because of a lack of updated information. The burden of proof will now be on the customer to prove legality if ICE cannot find a match. If the customer has a valid Permanent Resident Card they are nearly always found in the system. Please encourage all customers (where applicable) to present this card to you, as they are legally required to carry it on their person.

If the customer is a United States citizen (born outside the U.S.) we will still run an immigration check. However, if the response comes back with no match, we will put the check into research. The customer will then have seven calendar

days to present proof of citizenship to you or to BCI. This can be done by presenting a certificate of naturalization, or a U.S. passport showing USA nationality. If this is not done within the seven day time frame, the check will be denied. The only exception to running this check is customers who were born outside the country to parents who are U.S. citizens (usually military personnel stationed overseas). There is no need to run a check through ICE on these customers because they were born U.S. citizens.

Customers who have proven citizenship (through an ICE check or appropriate documentation) can be put on BCI's Citizenship Proof File. Once they have been put on this file, we will not need to run an ICE check, and they will not need to present proof of citizenship. They will, however, have to notify you that they are on file, and you will need to notify BCI at the time the background check is called in. If BCI is not notified, the operator will have no way of knowing the customer is on file. Only citizens are eligible for this file. If your customer is a permanent resident, an ICE check will have to be performed every time they purchase a firearm. The legal status of a permanent resident may change, however a citizen's status will always remain the same.

BCI will be holding another seminar for all Utah FFL's this summer on August 5th (details are forthcoming). After the seminar we will no longer run anyone born outside the country unless they can supply a permanent resident card **or** proof of citizenship at the time the check is called in. If this documentation is not supplied, BCI will refuse to run the check. Again, the only exception to this is customers born outside the country to parents who are U.S. citizens.

Second Form

As of May 3, 2004 BCI no longer requires a second form of ID. You may continue to ask your customers for a second form as a matter of store policy, but this requirement is no longer state statute.

Web-based Gun Checks

If you would like to run background checks on the Internet, contact Joyce Carter at (801) 965-3810 or jcarter@utah.gov to request the application/waiver to set up your company. We may be able to do on-site training in your store. In addition to running background checks, you will be able to see all the checks your store has run in the last twenty days. This can help you in verifying your billing on a daily or weekly basis.

For dealers who have ALS (Verifax) machines, they will no longer be in service as of September 1, 2004. If you are leasing your equipment from BCI, it will need to be returned to BCI. If your equipment is from ALS, it will need to be returned to ALS. Budgetary constraints have not allowed us to renew our contract; therefore we will be canceling our service with ALS. We realize this will be an inconvenience to some dealers who rely primarily on the Verifax machine

to run background checks. Please consider the web-based gun checks system. There is no charge for this option, and it offers benefits not available through the ALS system. The only equipment required for the web-based system is a computer with an internet connection.

Denials

For dealers in the Salt Lake area, please do not send your customers to BCI over the weekend to find out why they have been denied. The office is closed and we are not able to help them. Our office hours are Monday through Friday 8:00AM-5:00PM.

BCI is not able to disseminate denial information over the phone. Please do not tell your customers to call BCI to find out why they were denied. There are two ways to retrieve denial information: in person in our office, or through a notarized letter (it may be mailed or faxed in). We are happy to answer any other questions your customers have. If you do not have any denial pamphlets in your store, contact BCI and we will send you some. These should be given out to every customer who is denied.

1st Quarter Statistics

Monthly Totals 2004

			Reasons For Denial						
Month	Total	Denials	Felony	Domestic Violence	Juvenile	Warrant	Protective Order	Illegal Alien	Mental File
January	4461	147	36	32	19	40	13	3	3
February	5367	168	31	45	19	49	21	2	1
March	4934	173	42	54	18	39	16	2	1

1st Quarter 2003 - Comparison

			Reasons For Denial						
Month	Total	Denials	Felony	Domestic Violence	Juvenile	Warrant	Protective Order	Illegal Alien	Mental File
January	4806	119	37	26	5	27	22	2	0
February	5785	153	39	23	16	48	24	3	0
March	6069	174	39	28	16	43	40	5	2